

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

DOYLE E. TULLOS PLAINTEIFF

v. No. 4:18-cv-926-DPM

BIOMET INC., *et al.* DEFENDANTS

JOHNNY LUCAS PLAINTEIFF

v. No. 4:19-cv-161-DPM

BIOMET ORTHOPEDICS LLC, *et al.* DEFENDANTS

GARY SANDEN and SUSAN SANDEN PLAINTEIFF

v. No. 4:19-cv-162-DPM

BIOMET INC., *et al.* DEFENDANTS

DILLARD SHERRILL and
PATRECA M. SHERRILL PLAINTEIFF

v. No. 4:19-cv-163-DPM

BIOMET ORTHOPEDICS, LLC, *et al.* DEFENDANTS

VALENA HONEYCUTT PLAINTEIFF

v. No. 4:19-cv-216-DPM

JOHN CUCKLER, M.D., *et al.* DEFENDANTS

ORDER

1. *Lucas*, № 4:19-cv-161-DPM, is dismissed without prejudice based on the parties' stipulation. The Court will enter Judgment accordingly.

2. *Sherrill*, № 4:19-cv-163-DPM, is dismissed without prejudice based on the parties' notices that proceedings should be stayed because they were close to settlement, № 84, on the *Sherrill* docket; and that they have settled, № 98 at 2 on the docket in the lead case *Tullos*, № 4:18-cv-926-DPM. The Court will enter Judgment accordingly.

3. The Court reminds the parties that, because the Court has consolidated all these cases for pretrial proceedings, all filings—even if they relate to only one case—should be made on the *Tullos* docket, № 4:18-cv-926-DPM.

4. The joint motion, № 98, is granted as modified. For good cause, the Final Scheduling Order, № 95, is amended. The deadline for mediation is extended to 31 October 2019. The fact discovery cutoff is extended to 20 December 2019. The initial deadline for all parties to identify experts and produce their opinions is extended to 20 January 2019. All other deadlines remain in place. The parties should prepare their experts to sprint if these cases do not settle at the mediation. For clarity, a global Amended Final Scheduling Order containing the updated deadlines, reaffirming all other deadlines, and eliminating *Lucas* and *Sherrill* will issue. The Court refers the three remaining cases

to Magistrate Judge Deere to conduct a mediation on a mutually convenient date before 31 October 2019. Counsel must make themselves available.

So Ordered.

DP Marshall Jr.
D.P. Marshall Jr.
United States District Judge

23 September 2019